

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2011 Legislative Session

**Legislative Day No. 5
May 2, 2011**

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at 7:30 p.m.

Calvin Ball, Chairperson; Jennifer Terrasa, Vice Chairperson; Greg Fox, Council Member; Mary Kay Sigaty, Council Member; and Courtney Watson, Council Member, were present.

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; James Vannoy, Assistant County Solicitor; and Jennifer Sager, Legislative Coordinator, were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 4, April 4, 2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Legislative Public Hearing, April 20, 2011; and the Operating Budget Public Hearing, April 26, 2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Legislative Work Session, April 26, 2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Terrasa; Abstain: Council Member Watson.

The motion to approve the minutes passed.

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

A RESOLUTION confirming the appointment of Deborah Adler to the Adult Public Guardianship Review Board.

Council Resolution No. 47-2011 - Confirming the appointment of Deborah Adler to the Adult Public Guardianship Review Board.

A RESOLUTION confirming the appointment of Knowlton R. Atterbeary to the Equal Business Opportunity Commission.

Council Resolution No. 48-2011 - Confirming the appointment of Knowlton R. Atterbeary to the Equal Business Opportunity Commission.

A RESOLUTION confirming the appointment of Reginald T. Avery to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 49-2011 - Confirming the appointment of Reginald T. Avery to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of John Beck to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 50-2011 - Confirming the appointment of John Beck to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Jonathan K. Branch to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 51-2011 - Confirming the appointment of Jonathan K. Branch to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of John A. Clark to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 52-2011 - Confirming the appointment of John A. Clark to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Antonio S. daRosa to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 53-2011 - Confirming the appointment of Antonio S. daRosa to the

Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Jill Marie Godzilevsky to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 54-2011 - Confirming the appointment of Jill Marie Godzilevsky to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Edward R. Herbert, III to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 55-2011 - Confirming the appointment of Edward R. Herbert, III to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Jerome Jones to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 56-2011 - Confirming the appointment of Jerome Jones to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Margaret Kim to the Equal Business Opportunity Commission.

Council Resolution No. 57-2011 - Confirming the appointment of Margaret Kim to the Equal Business Opportunity Commission.

A RESOLUTION confirming the appointment of Howard T. Mooney, Jr. to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 58-2011 - Confirming the appointment of Howard T. Mooney, Jr. to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Alissa G. Putman, Ph. D. to the Board of Social Services.

Council Resolution No. 59-2011 - Confirming the appointment of Alissa G. Putman, Ph. D. to the Board of Social Services.

A RESOLUTION confirming the appointment of John D. Rhoad, Jr. to the Public Works Board.

Council Resolution No. 60-2011 - Confirming the appointment of John D. Rhoad, Jr. to the Public Works Board.

A RESOLUTION confirming the appointment of Olayta L. Rigsby to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 61-2011 - Confirming the appointment of Olayta L. Rigsby to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Joseph W. Rutter, Jr. to the Soil Conservation District.

Council Resolution No. 62-2011 - Confirming the appointment of Joseph W. Rutter, Jr. to the Soil Conservation District.

A RESOLUTION confirming the appointment of Robert Seipel to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 63-2011 - Confirming the appointment of Robert Seipel to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Stacey Shade-Ware to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 64-2011 - Confirming the appointment of Stacey Shade-Ware to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Todd Snyder to the Pension Oversight Commission.

Council Resolution No. 65-2011 - Confirming the appointment of Todd Snyder to the Pension Oversight Commission.

A RESOLUTION confirming the appointment of William G. Volenick to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 66-2011 - Confirming the appointment of William G. Volenick to the Howard County Commission for Veterans and Military Families.

A RESOLUTION confirming the appointment of Robert L. Wallace to the Equal Business Opportunity Commission.

Council Resolution No. 67-2011 - Confirming the appointment of Robert L. Wallace to the Equal Business Opportunity Commission.

A RESOLUTION confirming the reappointment of Kari Appler to the Board of Health.

Council Resolution No. 68-2011 - Confirming the reappointment of Kari Appler to the Board of Health.

A RESOLUTION confirming the reappointment of Naureen Elahi to the Environmental Sustainability Board.

Council Resolution No. 69-2011 - Confirming the reappointment of Naureen Elahi to the Environmental Sustainability Board.

A RESOLUTION confirming the reappointment of Michael S. Marcus to the Adult Public Guardianship Review Board.

Council Resolution No. 70-2011 - Confirming the reappointment of Michael S. Marcus to the Adult Public Guardianship Review Board.

A RESOLUTION confirming the reappointment of Dana Hubbard Roscoe to the Animal Matters Hearing Board.

Council Resolution No. 71-2011 - Confirming the reappointment of Dana Hubbard Roscoe to the Animal Matters Hearing Board

A RESOLUTION confirming the reappointment of Sharon Sapp, R.N. to the Adult Public Guardianship Review Board.

Council Resolution No. 72-2011 - Confirming the reappointment of Sharon Sapp, R.N. to the Adult Public Guardianship Review Board.

A RESOLUTION confirming the reappointment of Michael C. Smith to the Board of Social Services.

Council Resolution No. 73-2011 - Confirming the reappointment of Michael C. Smith to the Board of Social Services.

A RESOLUTION approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the

list to fill a vacancy on the Property Tax Assessment Appeal Board.

Council Resolution No. 74-2011 - Approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board.

Financial

A RESOLUTION approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2011; transferring \$4,423,100 to the Instruction-Texts category; transferring \$163,000 to the Instruction-Other category; transferring \$759,000 to the Transportation category; transferring \$294,500 to the Maintenance of Plant category; and transferring \$463,900 to the Fixed Charges category.

Council Resolution No. 75-2011 - Approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2011; transferring \$4,423,100 to the Instruction-Texts category; transferring \$163,000 to the Instruction-Other category; transferring \$759,000 to the Transportation category; transferring \$294,500 to the Maintenance of Plant category; and transferring \$463,900 to the Fixed Charges category.

A RESOLUTION amending the Fiscal Year 2011 operating budget for the Howard Community College in order to transfer \$800,000 within unrestricted fund expenditures and \$4,000,000 within restricted fund expenditures.

Council Resolution No. 76-2011 - Amending the Fiscal Year 2011 operating budget for the Howard Community College in order to transfer \$800,000 within unrestricted fund expenditures and \$4,000,000 within restricted fund expenditures.

General

AN ACT amending the Howard County Police and Fire Employees' Retirement Plan to correct reference to the Police Officers' Association and the Human Resources Administrator's membership on the Retirement Plan Committee; to amend certain maximum limitations under Section 415 of the Internal Revenue Code as permitted by changes to Treasury Regulations; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

Council Bill No. 16-2011 - Amending the Howard County Police and Fire Employees' Retirement Plan to correct reference to the Police Officers' Association and the Human Resources Administrator's membership on the Retirement Plan Committee; to amend certain maximum limitations under Section 415 of the Internal Revenue Code as permitted by changes to Treasury Regulations; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Power Purchase Agreement between Howard County, Maryland and Energy Answers Baltimore Holding, L.L.C., Energy Answers Baltimore, L.L.C., and Energy Answers International, Inc. for the purchase of electric power; and authorizing the County Executive to take certain actions in connection with the Agreement.

Council Bill No. 17-2011 - Pursuant to Section 612 of the Howard County Charter, approving a multi-year Power Purchase Agreement between Howard County, Maryland and Energy Answers Baltimore Holding, L.L.C., Energy Answers Baltimore, L.L.C., and Energy Answers International, Inc. for the purchase of electric power; and authorizing the County Executive to take certain actions in connection with the Agreement.

AN ACT pursuant to Section 612 of the Howard County Charter, approving a First Amendment to Agreement of Lease between Howard County, Maryland and Liberty Property Limited Partnership for the lease of space located at 9770 Patuxent Woods Drive, Columbia, Maryland; and authorizing the County Executive to take certain actions in connection with the Agreement.

Council Bill No. 18-2011 - Pursuant to Section 612 of the Howard County Charter, approving a First Amendment to Agreement of Lease between Howard County, Maryland and Liberty Property Limited Partnership for the lease of space located at 9770 Patuxent Woods Drive, Columbia, Maryland; and authorizing the County Executive to take certain actions in connection with the Agreement.

AN ACT pursuant to Section 612 of the Howard County Charter, approving a Second Amendment to Agreement of Lease between Howard County, Maryland and Liberty Property Limited Partnership for the lease of space located at 7178-7180 Columbia Gateway Drive, Columbia, Maryland; and authorizing the County Executive to take certain actions in connection with the Agreement.

Council Bill No. 19-2011 - Pursuant to Section 612 of the Howard County Charter, approving a Second Amendment to Agreement of Lease between Howard County, Maryland and Liberty Property Limited Partnership for the lease of space located at 7178-7180 Columbia Gateway Drive, Columbia, Maryland; and authorizing the County Executive to take certain actions in connection with the Agreement.

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a permanent easement to the Baltimore Gas and Electric Company on approximately .00758 acres of property owned by the County located at the Savage Fire Station; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easement if he finds that the land may have a further public use and submits his finding to the

County Council for its consideration.

Council Resolution No. 77-2011 - Pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a permanent easement to the Baltimore Gas and Electric Company on approximately .00758 acres of property owned by the County located at the Savage Fire Station; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easement if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a permanent easement to the Baltimore Gas and Electric Company on approximately .0008 acres of property owned by the County located at the North Laurel Park; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easement if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 78-2011 - Pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a permanent easement to the Baltimore Gas and Electric Company on approximately .0008 acres of property owned by the County located at the North Laurel Park; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easement if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

A RESOLUTION requiring the Howard County Environmental Sustainability Board to review the potential environmental impacts of the CSX Intermodal facility being proposed at two sites in Howard County and to make a certain report by a certain date and requesting the County Executive to provide appropriate county resources to support this effort.

Council Resolution No. 79-2011 - Introduced by Courtney Watson, Co-Sponsored by Calvin Ball & Jennifer Terrasa - Requiring the Howard County Environmental Sustainability Board to review the potential environmental impacts of the CSX Intermodal facility being proposed at two sites in Howard County and to make a certain report by a certain date and requesting the County Executive to provide appropriate county resources to support this effort.

Budget

AN ACT amending the County's hotel Room Rental Tax rate; and generally relating to the Room Rental Tax.

Council Bill No. 20-2011 - Amending the County's hotel Room Rental Tax rate; and generally relating to the Room Rental Tax.

AN ACT increasing the total amount of tax credits for Qualifying Energy Conservation Devices that may be granted during a fiscal year; allowing the credit to be granted for certain applications filed on or before a certain date; providing for the termination of the tax credit for Qualifying Energy Conservation Devices; and generally relating to the tax credit for Qualifying Energy Conservation Devices.

Council Bill No. 21-2011 - Increasing the total amount of tax credits for Qualifying Energy Conservation Devices that may be granted during a fiscal year; allowing the credit to be granted for certain applications filed on or before a certain date; providing for the termination of the tax credit for Qualifying Energy Conservation Devices; and generally relating to the tax credit for Qualifying Energy Conservation Devices.

AN ACT amending the basis for the in-aid-of-construction charge to allow the charge to be based on the maximum flow rate for continuous operation as determined by a meter provided by the Department of Public Works, allowing certain reviews, providing for certain additional fees based on additional usage, allowing the possible suspension of certain service for failure to pay the in-aid-of-construction fee; and generally relating to the in-aid-of-construction fee.

Council Bill No. 22-2011 - Amending the basis for the in-aid-of-construction charge to allow the charge to be based on the maximum flow rate for continuous operation as determined by a meter provided by the Department of Public Works, allowing certain reviews, providing for certain additional fees based on additional usage, allowing the possible suspension of certain service for failure to pay the in-aid-of-construction fee; and generally relating to the in-aid-of-construction fee.

AN ACT amending the Pay Plan for Howard County; establishing pay rates for certain employees; clarifying and adding certain specialty pays; clarifying certain overtime provisions; adding and amending certain classification titles and pay grades; making certain technical corrections; providing for the application of this Act; and generally relating to the Pay Plan for Howard County.

Council Bill No. 23-2011 - Amending the Pay Plan for Howard County; establishing pay rates for certain employees; clarifying and adding certain specialty pays; clarifying certain overtime provisions; adding and amending certain classification titles and pay grades; making certain technical corrections; providing for the application of this Act; and generally relating to the Pay Plan for Howard County.

AN ACT amending the Classification Plan for Howard County; adding and amending certain class descriptions; amending certain class titles; providing for the application of this Act; and generally relating to amendments to the Howard County Classification Plan.

Council Bill No. 24-2011 - Amending the Classification Plan for Howard County; adding and amending certain class descriptions; amending certain class titles; providing for the application of this Act; and generally relating to amendments to the Howard County Classification Plan.

AN ACT amending the title of certain positions appointed by the Director of Technology and Communication Services; providing for the application of this Act; and generally relating to human resources provisions in the Howard County Code.

Council Bill No. 25-2011 - Amending the title of certain positions appointed by the Director of Technology and Communication Services; providing for the application of this Act; and generally relating to human resources provisions in the Howard County Code.

AN ACT adopting the current expense budget and the capital budget for the fiscal year beginning July 1, 2011 and ending June 30, 2012, to be known as the Annual Budget and Appropriation Ordinance of Howard County, Fiscal Year 2012.

Council Bill No. 26-2011 - Adopting the current expense budget and the capital budget for the fiscal year beginning July 1, 2011 and ending June 30, 2012, to be known as the Annual Budget and Appropriation Ordinance of Howard County, Fiscal Year 2012.

AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in the principal amount of up to \$125,334,091 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County capital projects (including bridge projects, general county projects, storm drainage projects, school system projects, fire and rescue projects, road construction projects, road resurfacing projects, roadside and sidewalk projects, library projects, community college projects, parks and recreation projects, intersection improvements projects and community renewal projects), which are specified and described in the County's 2012 Capital Budget (including, without limitation, borrowings for certain capital projects previously authorized in other calendar years, which such authorization has lapsed or will lapse), and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Council Bill No. 27-2011 - Purpose of authorizing and empowering Howard County, Maryland to borrow money in the principal amount of up to \$125,334,091 on its full faith and credit,

and issue and sell its bonds therefor, to be used to pay costs of certain County capital projects (including bridge projects, general county projects, storm drainage projects, school system projects, fire and rescue projects, road construction projects, road resurfacing projects, roadside and sidewalk projects, library projects, community college projects, parks and recreation projects, intersection improvements projects and community renewal projects), which are specified and described in the County's 2012 Capital Budget (including, without limitation, borrowings for certain capital projects previously authorized in other calendar years, which such authorization has lapsed or will lapse), and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in the principal amount of up to \$27,110,869 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County water and sewer capital projects which are specified and described in the County's 2012 Capital Budget (including, without limitation, borrowings for certain water and sewer capital projects previously authorized in prior calendar years which such authorization has lapsed or will lapse), and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon the assessable property in the Metropolitan District and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Council Bill No. 28-2011 - Purpose of authorizing and empowering Howard County, Maryland to borrow money in the principal amount of up to \$27,110,869 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County water and sewer capital projects which are specified and described in the County's 2012 Capital Budget (including, without limitation, borrowings for certain water and sewer capital projects previously authorized in prior calendar years which such authorization has lapsed or will lapse), and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon the assessable property in the Metropolitan District and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in a principal amount of up to \$26,715,319 on its full faith and credit, and issue

and sell its bonds therefor, to be used to pay costs of certain County road construction projects and other capital projects specified and described in the County's 2012 Capital Budget (including, without limitation, borrowings for certain of such capital projects previously authorized), and to pay costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with building excise taxes and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Council Bill No. 29-2011 - Purpose of authorizing and empowering Howard County, Maryland to borrow money in a principal amount of up to \$26,715,319 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County road construction projects and other capital projects specified and described in the County's 2012 Capital Budget (including, without limitation, borrowings for certain of such capital projects previously authorized), and to pay costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with building excise taxes and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

A RESOLUTION approving the fee system of the Howard Soil Conservation District and providing that the fee system applies to each plan that is required to be reviewed by the Howard Soil Conservation District from and after July 1, 2011.

Council Resolution No. 80-2011 - Introduced by, Chairperson at the request of the Howard Soil Conservation District - Approving the fee system of the Howard Soil Conservation District and providing that the fee system applies to each plan that is required to be reviewed by the Howard Soil Conservation District from and after July 1, 2011.

A RESOLUTION approving the Capital Program for Howard County for Fiscal Years 2013 through 2017 and the Extended Capital Program for Fiscal Years 2018 through 2021.

Council Resolution No. 81-2011 - Approving the Capital Program for Howard County for Fiscal Years 2013 through 2017 and the Extended Capital Program for Fiscal Years 2018 through 2021.

A RESOLUTION approving the Fiscal Year 2012 operating budget for the Howard Community College and indicating appropriations for major functional categories.

Council Resolution No. 82-2011 - Approving the Fiscal Year 2012 operating budget for the Howard Community College and indicating appropriations for major functional categories.

A RESOLUTION approving the Fiscal Year 2012 budget for the Department of Libraries and indicating appropriations for object classes.

Council Resolution No. 83-2011 - Approving the Fiscal Year 2012 budget for the Department of Libraries and indicating appropriations for object classes.

A RESOLUTION setting forth the Fiscal Year 2012 Operating Budget for the Howard County Board of Education.

Council Resolution No. 84-2011 - Setting forth the Fiscal Year 2012 Operating Budget for the Howard County Board of Education.

A RESOLUTION approving schedules for charges pertaining to the Metropolitan District, to water and sewer service, and to shared sewage disposal facilities.

Council Resolution No. 85-2011 - Approving schedules for charges pertaining to the Metropolitan District, to water and sewer service, and to shared sewage disposal facilities.

A RESOLUTION approving schedules of fees for the functions regulated by the Department of Public Works.

Council Resolution No. 86-2011 - Approving schedules of fees for the functions regulated by the Department of Public Works.

A RESOLUTION approving schedules of fees, fines and charges for functions regulated by the Howard County Department of Inspections, Licenses and Permits.

Council Resolution No. 87-2011 - Approving schedules of fees, fines and charges for functions regulated by the Howard County Department of Inspections, Licenses and Permits.

A RESOLUTION approving schedules of fees and charges for functions regulated or administered by the Department of Planning and Zoning.

Council Resolution No. 88-2011 - Approving schedules of fees and charges for functions regulated or administered by the Department of Planning and Zoning.

A RESOLUTION adopting fees for certain functions performed by the Department of Fire and Rescue Services including fees for conducting certain inspections and providing technical

assistance such as plan review.

Council Resolution No. 89-2011 - Adopting fees for certain functions performed by the Department of Fire and Rescue Services including fees for conducting certain inspections and providing technical assistance such as plan review.

A RESOLUTION adopting a schedule of fees for functions regulated by the Department of Finance, including a schedule of fees for parking meter rates.

Council Resolution No. 90-2011 - Adopting a schedule of fees for functions regulated by the Department of Finance, including a schedule of fees for parking meter rates.

A RESOLUTION approving schedules of fees and rates for functions regulated and administered by the Department of Police.

Council Resolution No. 91-2011 - Approving schedules of fees and rates for functions regulated and administered by the Department of Police.

A RESOLUTION approving fee and rate schedules for:

- (1) Applying for approval of an industrial development revenue bond or MIDFA bond or loan;
- (2) Solicitor and Peddler Identification Card;
- (3) Weekend Prisoners - Room and board;
- (4) Prisoner - Health care provider fee;
- (5) Participation in work release program;
- (6) Participation in home detention program;
- (7) Marriage license fee charge for funding of domestic violence programs;
- (8) Annual registration of trespass towing companies and maximum rates to be charged by trespass towing services;
- (9) Fee and specifications for transcripts of administrative proceedings; and
- (10) Reproduction of public records.

Council Resolution No. 92-2011 - A RESOLUTION approving fee and rate schedules for:

- (1) Applying for approval of an industrial development revenue bond or MIDFA bond or loan;
- (2) Solicitor and Peddler Identification Card;
- (3) Weekend Prisoners - Room and board;
- (4) Prisoner - Health care provider fee;
- (5) Participation in work release program;
- (6) Participation in home detention program;
- (7) Marriage license fee charge for funding of domestic violence programs;
- (8) Annual registration of trespass towing companies and maximum rates to be charged by trespass towing services;

- (9) Fee and specifications for transcripts of administrative proceedings; and
 - (10) Reproduction of public records.
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A RESOLUTION levying a tax on certain admissions and amusements, establishing classes of admissions and amusements, setting tax rates on different classes, and providing for certain exemptions from the tax.

Council Resolution No. 93-2011 - Levying a tax on certain admissions and amusements, establishing classes of admissions and amusements, setting tax rates on different classes, and providing for certain exemptions from the tax.

A RESOLUTION establishing a recordation tax rate on instruments of writing that are recorded with the Clerk of the Circuit Court.

Council Resolution No. 94-2011 - Establishing a recordation tax rate on instruments of writing that are recorded with the Clerk of the Circuit Court.

A RESOLUTION adopting the schedule of rates for the Building Excise Tax.

Council Resolution No. 95-2011 - Adopting the schedule of rates for the Building Excise Tax.

A RESOLUTION levying Fire and Rescue tax rates beginning July 1, 2011.

Council Resolution No. 96-2011 - Levying Fire and Rescue tax rates beginning July 1, 2011.

A RESOLUTION levying a property tax for the fiscal year beginning July 1, 2011 and ending June 30, 2012; setting the tax rates for property; and providing for the collection of the property tax.

Council Resolution No. 97-2011 - Levying a property tax for the fiscal year beginning July 1, 2011 and ending June 30, 2012; setting the tax rates for property; and providing for the collection of the property tax.

FINAL CONSIDERATION

Consent

Council Resolution No. 26-2011 – Confirming the appointment of Cynthia Dawson to the Public Transportation Board.

Council Resolution No. 27-2011 – Confirming the appointment of Evangeline Draper Hawthorne to the Commission for Women.

Council Resolution No. 28-2011 – Confirming the appointment of Timothy J. Johnson to the Human Rights Commission.

Council Resolution No. 29-2011 – Confirming the appointment of Shahid Qureshi to the Public Works Board.

Council Resolution No. 30-2011 – Confirming the appointment of Sylvia Ramsey to the Recreation & Parks Board.

Council Resolution No. 31-2011 – Confirming the appointment of Diane Richardson to the Commission on Disability Issues.

Council Resolution No. 32-2011 – Confirming the appointment of Chelsea Stanton to the Commission on Disability Issues.

Council Resolution No. 34-2011 – Confirming the reappointment of Maurice Bellan to the Public Ethics Commission.

Council Resolution No. 35-2011 – Confirming the reappointment of Roxanne C. Farrar to the Commission on Aging.

Council Resolution No. 36-2011 – Confirming the reappointment of Joyce Lehrer to the Adult Public Guardianship Review Board.

Council Resolution No. 37 – Confirming the reappointment of Arthur D. Merkle, Jr. to the Personnel Board.

Council Resolution No. 39 – Confirming the reappointment of H. Taylor Walls to the Human Rights Commission.

The Chairperson moved to adopt the items on the consent agenda. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolutions No. 26-2011, No. 27-2011, No. 28-2011, No. 29-2011, No. 30-2011, No. 31-2011, No. 32-2011, No. 34-2011, No. 35-2011, No. 36-2011, No. 37-2011, and No. 39-2011 passed.

Appointments

Council Resolution No. 19-2011 - Confirming the appointment of Lisa Lopez Friedman to the Alcoholic Beverage Hearing Board. (*Tabled 04/04/2011*)

The Chairperson moved to remove Council Resolution No. 19-2011 from the table. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to remove Council Resolution No. 19-2011 from the table passed.

The Chairperson moved to adopt Council Resolution No. 19-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 19-2011 passed.

Council Resolution No. 33-2011 – Confirming the appointment of Timothy G. Wolf to the Adult Public Guardianship Review Board.

The Chairperson moved to table Council Resolution No. 33-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to table Council Resolution No. 33-2011 passed.

Council Resolution No. 38 – Confirming the reappointment of Swathi Narayan to the Human Rights Commission.

The Chairperson moved to table Council Resolution No. 38-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to table Council Resolution No. 38-2011 passed.

Financial

Supplementary Budget & Appropriation Ordinance No. 7 FY2011 – Transferring \$50,000 from the General Fund, Contingency Reserve to the Department of Corrections to cover increased expenses for janitorial and food supplies.

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 7 FY2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Supplementary Budget & Appropriation Ordinance No. 7 FY2011 passed.

Council Bill No. 12-2011 – Providing for the issuance at any one time and from time to time of general obligation bond anticipation notes in anticipation of the issuance of the County's general obligation bonds in an aggregate principal amount outstanding at any one time not to exceed the aggregate principal amount of general obligation bonds authorized to be issued by Howard County, Maryland at the time such notes are issued; providing that such bond anticipation notes shall be sold at private (negotiated) or at public sale for a price at, above or below, the par value thereof, as may be determined by the County Executive; providing that such bond anticipation notes may be issued as variable rate demand obligations, notes in the nature of commercial paper or other similar obligations and authorizing the County Executive to determine various matters and to take various other actions in connection therewith; providing that such bond anticipation notes not paid with bond proceeds may be paid with proceeds of bond anticipation notes authorized by this Ordinance; covenanting to pay the principal of and interest on any such bond anticipation notes with the proceeds of the bonds in anticipation of the sale of which such notes are issued; covenanting to issue the bonds in anticipation of which any such bond anticipation notes are issued as soon as the reason for deferring the issuance thereof no longer exists; providing for the levy and collection of all taxes, charges and assessments necessary for the payment when due of the principal of and interest on all notes issued pursuant to this Ordinance not paid with proceeds of bonds or notes issued under this Ordinance; providing for disbursement of the proceeds of the Notes; delegating authority to the County Executive the power to enter into all agreements which may be necessary or desirable to secure and market the notes authorized pursuant to this Ordinance; generally providing for the issuance, sale and delivery of bond anticipation notes and determining various matters in connection therewith.

The Chairperson moved to adopt Council Bill No. 12-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 12-2011 passed.

General

Council Bill 14-2011 – Amending an uncoded section in Council Bill No. 21-2009 that sets forth the date on by which Council Bill No. 21-2009 will expire and be of no further force and effect; extending the expiration of Council Bill No. 21-2009; providing for the application of this Act; and generally relating to Council Bill No. 21-2009.

The Chairperson moved to adopt Council Bill 14-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill 14-2011 passed.

Council Bill No. 15-2011 – Approving, in accordance with Section 612 of the Howard County Charter, a thirty-two year lease of the land and proposed recreation center located on Mt. Ida Drive, Ellicott City, Howard County, Maryland by and between the Howard County Housing Commission, and Howard County, Maryland and, pursuant to Section 13.1312(s) of the Howard County Code, authorizing the County Council and the County Executive to approve a commercial facility adjacent to a housing project.

The Chairperson moved to adopt Council Bill No. 15-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 15-2011 passed.

Council Resolution No. 25-2011 – Introduced by The Chairperson - To close Mount Ida Drive, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code.

The Chairperson moved to adopt Council Resolution No. 25-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 25-2011 passed.

Council Resolution No. 40-2011 – Amending an uncoded section in Council Resolution No. 14-2009 that sets forth the date on by which Council Resolution No. 14-2009 will expire and be of no further force and effect; extending the expiration of Council Resolution No. 14-2009; and generally relating to Council Resolution No. 14-2009.

The Chairperson moved to adopt Council Resolution No. 40-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 40-2011 passed.

Council Resolution No. 41-2011 – Authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into an agreement with Second Goodier, LLC, a Maryland limited liability company, for the design and construction of road improvements to Roxbury Road and authorizing the County Executive to execute the agreement on behalf of the County in substantially the same form as attached to this Resolution.

The Chairperson moved to adopt Council Resolution No. 41-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 41-2011 as follows:

(This amendment clarifies the identity of a party and corrects a station reference.)

On page 1, in line 11, strike “Goodier” and substitute “Developer”.

On page 1, in line 15, strike “Goodier” and substitute “Developer”.

On page 1, in line 16, strike “37+25” and substitute “36+37.46”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Resolution No. 41-2011 passed.

The roll call vote called by the Chairperson Council Resolution No. 41-2011 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 41-2011 passed as amended.

Council Resolution No. 42-2011 – Pursuant to Section 16.301 of the Howard County Code, granting variances from the structure and use setback for a recreation facility to be located at the redeveloped Hilltop property located at Mt. Ida Drive, Ellicott City, Maryland.

The Chairperson moved to adopt Council Resolution No. 42-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 42-2011 passed.

Council Resolution No. 43-2011 – Supporting Howard County’s application for designation as a Preserve America Community and expressing Howard County’s commitment to protecting its historic and cultural resources for current and future generations.

The Chairperson moved to adopt Council Resolution No. 43-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 43-2011 passed.

Council Resolution No. 44-2011 – Supplementing the Historic Sites Inventory for Howard County.

The Chairperson moved to adopt Council Resolution No. 44-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 44-2011 passed.

Council Resolution No. 45-2011 – Adopting the Howard County Consolidated Plan for Federal Fiscal Years 2011- 2015 for housing including the Federal Fiscal Year 2011 Action Plan Community Development Block Grant and Home Investment Partnerships Program (HOME) Consolidated Plan Schedule.

The Chairperson moved to adopt Council Resolution No. 45-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 45-2011 as follows:

(This amendment makes certain corrections within the Annual Action Plan Program Year 2011 and adds certain reference to Single Room Occupancy facilities.)

On page 9 of the Annual Action Plan Program Year 2011, as attached to the Resolution as prefiled, in Goal 2:

- a. In the first and second rows under the column titled “Strategy”, in each instance, strike “newly” and substitute “chronically”; and

- b. In the second row under the column titled “Estimated Outputs”, strike “125” and substitute “40”.

On page 19, insert a bullet point for Single Room Occupancy (SRO) to read as follows:

“Single Room Occupancy (SRO) – This housing option would provide shelter for individuals who are currently un-housed, giving them relief from the daily stress of living outdoors while they work on employment, mental health and addictions issues. The proposed SRO could serve 32 individuals (or couples) for whom housing is a significant barrier to accessing employment or social services, or who are employed but unable to attain or sustain traditional housing.”

On page 24, in table 3B, in the column titled “Beneficiary Goals” in the row for “Homeless households” strike 135 and substitute “50”.

Remove pages 9, 19, 20 and 24 from the Annual Action Plan Program Year 2011, as attached to the Resolution as prefiled, and substitute new pages 9, 19, 20, and 24 as attached to this amendment.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Resolution No. 45-2011 passed.

The roll call vote called by the Chairperson Council Resolution No. 45-2011 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 45-2011 passed as amended.

Council Resolution No. 46-2011 – Introduced by The Chairperson - Calling the County Council of Howard County, Maryland into legislative session on May 25, 2011.

The Chairperson moved to adopt Council Resolution No. 46-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 46-2011 passed.

Council Bill No. 7–2011 (ZRA-121) - Introduced by The Chair at the request of 10071 WBO LLC c/o Patriot Realty - Amending the Howard County Zoning Regulations to permit increased residential density on certain CAC (Corridor Activity Center) zoned parcels and to allow the Director of the Department of Planning and Zoning to further reduce the minimum commercial space requirement under certain conditions; and generally relating to the CAC (Corridor Activity Center) zoning district. *(Tabled 04/04/11)*

The Chairperson moved to remove from the table Council Bill No. 7–2011 (ZRA-121). The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 7–2011 (ZRA-121) was removed from the table.

The Chairperson moved to extend the deadline by 30 days on Council Bill No. 7–2011 (ZRA-121). The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 7–2011 (ZRA-121) deadline was extended.

The Chairperson moved to table Council Bill No. 7–2011 (ZRA-121). The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 7–2011 (ZRA-121) was tabled

Council Bill No. 9-2011 (ZRA-130) - Introduced by the Chairperson at the request of the Marsha S McLaughlin, Director, Department of Planning and Zoning - Allowing Farm Wineries – Class 1 as a permitted accessory use in the RC (Rural Conservation) and the RR (Rural Residential) Zoning Districts under certain conditions; allowing Farm Wineries – Class 1 and Class 2 as a conditional use on Preservation Parcels or as permitted conditional use categories in the RC (Rural Conservation) Zoning District under certain conditions; allowing Farm Wineries – Class 2 as a conditional use on Preservation Parcels or as permitted conditional use categories in the RR (Rural Residential) Zoning District under certain conditions; defining certain terms; establishing certain criteria related to Farm Wineries Class 1 and Class 2; and generally relating to the Howard County Zoning Regulations. *(Tabled 04/04/11)*

The Chairperson moved to remove from the table Council Bill No. 9–2011 (ZRA-130). The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members

Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 9–2011 (ZRA-130) was removed from the table.

The Chairperson moved to adopt Council Bill No. 9–2011 (ZRA-130). The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 9–2011 (ZRA-130) as follows:

(This amendment corrects the entity that will make certain findings.)

On page 6, in line 14, strike “HEARING”

On page 6, in line 15, strike “AUTHORITY” and substitute “DIRECTOR OF PLANNING AND ZONING”.

On page 6, in line 22, strike “HEARING AUTHORITY” and substitute “DIRECTOR OF PLANNING AND ZONING”.

On page 6, in line 25, strike “CONDITIONAL” and substitute “WINERY”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 4 to Council Bill No. 9–2011 (ZRA-130) passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 9–2011 (ZRA-130) as follows:

(This amendment would increase the maximum number of visitors allowed to visit Wineries).

On page 7, in line 23, strike “TWO PERSONS PER ACRE, UP TO A MAXIMUM OF”.

On page 10, in line 5, strike “TWO PERSONS PER ACRE, UP TO A MAXIMUM OF 20” and substitute “50”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 9–2011 (ZRA-130) passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 9–2011 (ZRA-130) as follows:

(This amendment allows internal local road access if a residential cluster subdivision is designed, constructed and marketed as a winery community.)

On page 10, in line 33, after “SUBDIVISION” insert “UNLESS THE RESIDENTIAL CLUSTER SUBDIVISION WAS ORIGINALLY DESIGNED, CONSTRUCTED, AND MARKETING AS A WINERY COMMUNITY ORGANIZED AROUND A WINERY PARCEL”.

In the following instances, strike the comma and substitute a semicolon:

- a. On page 10, in line 32;
- b. On page 10, in line 33; and
- c. On page 11, in line 1.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 3 to Council Bill No. 9–2011 (ZRA-130) passed.

The Chairperson moved to adopt Amendment No. 5 to Council Bill No. 9–2011 (ZRA-130) as follows:

(This amendment would:

- 1. Create new nomenclature for Farm Wineries - Class 1A and Farm Wineries - Class 1B;*
- 2. Create a new definition for Farm Wineries – Class 1B;*
- 3. Allow Farm Wineries-Class 1B as a conditional use in the RR District;*
- 4. Provide the minimum acreage for Farm Wineries-Class 1A and Class 1B;*
- 5. Correct references to planting of grape requirements;*
- 6. Specify certain hours of operation for Farm Wineries – Class 1A and Class 1B; and*
- 7. Require specific documentation during the approval process for Farm Wineries - Class 1A).*

On the title page, strike the title in its entirety and substitute:

“AN ACT allowing Farm Wineries – Class 1A as a permitted accessory use in the RC (Rural Conservation) and the RR (Rural Residential) Zoning Districts under certain conditions; allowing Farm Wineries – Class 1B as a conditional use on existing cluster preservation parcels in the RR (Rural Residential) for which easements have not been donated to the Agricultural Land Preservation Program under certain conditions; allowing Farm Wineries – Class 2 as a conditional use in the RR Zoning District (Rural Residential) and RC (Rural Conservation) Zoning Districts under certain conditions; defining certain terms; establishing certain criteria related to Farm Wineries Class 1A,

Class 1B and Class 2; and generally relating to Farm Wineries.”.

On page 3, in line 3, immediately following the number “1”, insert “A”. On the same page, immediately following line 5, insert the following:

“81. FARM WINERY – CLASS 1B: A CLASS 1A FARM WINERY THAT REQUIRES APPROVAL AS A CONDITIONAL USE.”. Also, in lines 6 and 9, strike “81” and “199”, and substitute “82” and “200” respectively. And in line 20, immediately following the first number “1”, insert “A”.

On page 4, strike line 3 in its entirety. On the same page, in line 4, strike “7” and substitute “6”. Also, strike line 13, in its entirety. On the same page, in line 14, strike “41” and substitute “40”. And in line 20, immediately following the first number “1”, insert “A”.

On page 5, immediately following line 2, insert “(6) FARM WINERY – CLASS 1B”. On the same page, in line 3, strike “6” and substitute “7”. On the same page, in line 17, immediately following the number “1”, insert an “A”, and in line 18, immediately following the second number “1”, insert “A”.

On page 5, in line 21, strike “10” and substitute “5”.

On page 5, in line 24, before the period, insert “, EXCLUDING CLUSTER PRESERVATION PARCELS IN THE RR DISTRICT EXISTING ON THE EFFECTIVE DATE OF CB 9-2011 FOR WHICH EASEMENTS HAVE NOT BEEN DONATED TO THE AGRICULTURAL LAND PRESERVATION PROGRAM”.

On page 6, in line 27, before the period, insert “AND WHERE POSSIBLE MINIMIZE THE IMPACT ON SURROUNDING PROPERTIES”.

On page 6, strike lines 28 through 31, in their entirety, and substitute:

“E. PLANTING OF AT LEAST TWO ACRES OF GRAPES OR OTHER FRUIT ON THE PROPERTY SHALL BE INITIATED UPON APPROVAL AND SUCCESSFULLY ESTABLISHED WITHIN TWO YEARS OF APPROVAL.”.

On page 7, in line 19, strike “DAILY” and substitute “SUNDAY THROUGH THURSDAY; AND 10:00 A.M. AND 10:00 P.M., FRIDAY AND SATURDAY”.

On page 7, strike lines 25 through “ABOVE.” in line 27, and substitute the following:

“2. THE OWNER OF A FARM WINERY – CLASS 1A SHALL OBTAIN APPROVAL OF THE USE BY A PERMIT TO BE ISSUED BY DPZ. AS PART OF THE APPROVAL PROCESS, THE OWNER SHALL SUBMIT A SITE LAYOUT, WHICH INCLUDES ACREAGE, SCREENING, PARKING, AND BUILDING LOCATIONS. THE OWNER SHALL ALSO PROVIDE DOCUMENTATION TO DPZ PROVING COMPLIANCE WITH SECTION 128.N.1.”

On page 8, in line 5 and 6, immediately following the number “1”, insert “B”. On the same page, in line 7, strike “PARCEL INCLUDING A PRESERVATION PARCEL” and substitute “CLUSTER PRESERVATION PARCEL IN THE RR DISTRICT EXISTING ON THE EFFECTIVE DATE OF CB 9-2011 FOR WHICH EASEMENTS HAVE NOT BEEN DONATED TO THE AGRICULTURAL LAND PRESERVATION PROGRAM”. On the same page, in lines 7 and 8, strike “BUT LESS THAN 10 ACRES PROVIDED THAT IT IS IN THE RC DISTRICT AND” and insert “PROVIDED THAT IT”.

On page 9, in line 34, strike “DAILY” and substitute “SUNDAY THROUGH THURSDAY; AND 10:00 A.M. AND 10:00 P.M., FRIDAY AND SATURDAY”.

On page 10, in line 12, strike “C” and substitute “D”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 5 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 5 to Council Bill No. 9–2011 (ZRA-130) passed.

The roll call vote called by the Chairperson Council Bill No. 9–2011 (ZRA-130) as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 9–2011 (ZRA-130) passed as amended.

zones; defining certain terms; requiring that a violation recorded by speed monitoring systems may be enforced only by the issuance of a warning for a period of at least 30 days after the first speed monitoring system is placed in the school zone; setting forth the use of certain fines in accordance with State law; and generally related to speed monitoring systems in Howard County.

The Chairperson moved to adopt Council Bill No. 13–2011. The motion was seconded by Ms. Terrasa.

Mr. Fox moved to table Council Bill No. 13–2011. There was no second.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 13–2011 as follows:
(This amendment clarifies the definition of a school zone on a County road.)

On page 1, in line 30, after “MARYLAND.” insert “FOR PURPOSES OF THIS SUBTITLE, A SCHOOL ZONE ON A COUNTY ROAD SHALL BE DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS TO BE THAT PART OF THE ROAD THAT HAS A REASONABLE NEXUS OR PROXIMITY TO A SCHOOL OR SCHOOL WALKING ROUTE BASED ON AN ENGINEERING EVALUATION CONDUCTED BY THE DEPARTMENT OF PUBLIC WORKS AND A SCHOOL ZONE SHALL BE MARKED WITH SIGNAGE AS REQUIRED BY STATE LAW.”.

The motion was seconded by Ms. Terrasa.

Mr. Fox moved to adopt Amendment No. 1 to Amendment No. 2 to Council Bill No. 13–2011.

(This amendment provides for a public meeting during the process for determining what shall be a school zone.)

On page 1, in line 2, after “DETERMINED” insert “, FOLLOWING A PUBLIC MEETING FOR COMMUNITY COMMENT,”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Amendment No. 2 to Council Bill No. 13–2011 passed.

The roll call vote called by the Chairperson on Amendment No. 2 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 as amended to Council Bill No. 13–2011 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 13–2011 as follows:
(This amendment sets a limit on the number of speed monitoring systems.)

On page 2, in line 4, after “USE” insert “UP TO 8”.

The motion was seconded by Ms. Terrasa.

Mr. Fox moved to approve Amendment No. 1 to Amendment No. 3 as follows:
(This amendment requires mobile speed monitoring systems.)

On page 1, in line 1, after “8” insert “MOBILE”.

The motion was seconded by the Chairperson.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 3 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa and Watson.
Amendment No. 1 to Amendment No. 3 to Council Bill No. 13–2011 failed.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Ball, Fox, Sigaty, Terrasa and Watson.
Amendment No. 3 to Council Bill No. 13–2011 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 13–2011 as follows:
(This amendment requires a report to contain certain information.)

On page 2, in line 17 insert:

“SECTION 12.602. REPORT.

(A) REGARDING THE USE OF SPEED MONITORING SYSTEMS IN SCHOOL ZONES, THE DEPARTMENT OF POLICE SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL THAT SHALL INCLUDE THE FOLLOWING:

- (1) ENFORCEMENT ACTIVITY INFORMATION INCLUDING THE LOCATION AND FREQUENCY OF THE PLACEMENT OF SPEED MONITORING SYSTEMS;**
- (2) CITATION INFORMATION INCLUDING THE NUMBER OF INITIAL VIOLATIONS PHOTOGRAPHED, THE NUMBER OF VIOLATIONS REJECTED, THE NUMBER OF CITATIONS ISSUED, THE NUMBER APPEALED , AND THE OUTCOME OF FINAL ADJUDICATION;**
- (3) COLLISION INFORMATION INCLUDING A COMPARISON OF COLLISION DATA IN SCHOOL ZONES BEFORE AND AFTER THE USE OF SPEED MONITORING SYSTEMS;**
- (4) ANY UPDATED SPEED SURVEYS THAT ARE CONDUCTED AT SELECT LOCATIONS;**
- (5) FINANCIAL INFORMATION INCLUDING PROGRAM COSTS, VENDOR FEES, TOTAL FINES**

COLLECTED, THE AMOUNT OF ANY FINES COLLECTED IN EXCESS OF PROGRAM COSTS,
AND THE ACTUAL OR PLANNED USE FOR FINES COLLECTED IN EXCESS OF PROGRAM
COSTS;

(6) A LIST OF SCHOOL ZONES; AND

(7) ANY PROGRAM RECOMMENDATIONS.

(B) THE DEPARTMENT OF POLICE SHALL SUBMIT THE REPORT ANNUALLY ON OR BEFORE MARCH 1
FOR THE PRECEDING CALENDAR YEAR.”.

On page 2, in line 23, insert:

*“Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland,
that the first report required by Section 1 of this Act shall be due March 1, 2013 and shall include
information on the time period beginning with program implementation and ending December 31,
2012.”.*

On page 2, in line 24, strike “3” and substitute “4”.

The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment No. 1 to Amendment No. 4 as follows:

(This amendment adds certain requirements for the report.)

On page 1, in line 18, after “ZONES” insert “AND SPECIFICALLY HIGHLIGHTING ANY CHANGES FROM
THE PREVIOUS YEAR’S REPORT TO EITHER THE SCHOOL ZONE OR THE SPEED LIMIT WITHIN THE
SCHOOL ZONE” and, in the same line, strike “AND”.

On page 1, after line 18, insert “(7) ANY MAJOR PROBLEMS OR IRREGULARITIES EXPERIENCED;
AND”.

On page 1, in line 19, strike “(7)” and substitute “(8)”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 4
was: Yea: Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Amendment No. 4 to Council Bill No. 13–2011 passed.

The Chairperson moved to approve Amendment No. 2 to Amendment No. 4 as follows:
(This amendment requires the report to be written and requires the report to be presented at a public meeting on request of the County Council.)

On page 1:

in line 4, after “SUBMIT A” insert “WRITTEN”; and

in line 21, after “YEAR.” insert “AT THE REQUEST OF THE COUNTY COUNCIL, THE REPORT SHALL BE PRESENTED AT A PUBLIC MEETING.”

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 2 to Amendment No. 4 was: Yea: Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 to Amendment No. 4 to Council Bill No. 13–2011 passed.

Mr. Fox moved to approve Amendment No. 6 to Amendment No. 4 as follows:
(This amendment sets a minimum amount of speed zones that must be covered in the report and requires information about speeds outside the speed zones.)

On page 1, in line 13, after “(4)” strike the rest of the line and substitute “UPDATED SPEED SURVEYS THAT COVER AT LEAST 10% OF THE SPEED ZONES AND INCLUDE INFORMATION ABOUT SPEEDS BEFORE, WITHIN, AND BEYOND THE SPEED ZONES;”.

There was no second.

The roll call vote called by the Chairperson on Amendment No. 4 as amended was: Yea: Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 4 as amended to Council Bill No. 13–2011 passed.

The Chairperson moved to approve Amendment No. 5 as follows:
(This amendment requires certain signs.)

On page 2, before line 18 insert:

“SECTION 12.603. USE OF CERTAIN SIGNS.

THE DEPARTMENT OF PUBLIC WORKS SHALL PLACE A SIGN AT THE BEGINNING OF EACH SCHOOL ZONE INDICATING THAT A SPEED MONITORING SYSTEM MAY BE IN USE IN THE SCHOOL ZONE.”.

The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment No. 3 to Amendment No. 5 as follows:

(This amendment provides that the Department of Police will also publish certain notice on its website.)

On page 1, in line 2, strike “USE OF CERTAIN SIGNS” and substitute “NOTICE”.

On page 1, in line 3, before the first “THE” insert “(A)”.

On page 1, in line 5, insert:

“(B) THE DEPARTMENT OF POLICE SHALL PUBLISH NOTICE OF THE LOCATION OF SPEED MONITORING SYSTEMS ON ITS WEBSITE.”

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 3 to Amendment No. 5 was: Yea: Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 3 to Amendment No. 5 to Council Bill No. 13–2011 passed.

The roll call vote called by the Chairperson on Amendment No. 5 as amended was: Yea: Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 5 as amended to Council Bill No. 13–2011 passed.

The Chairperson moved to approve Amendment No. 8 as follows:

(This amendment requires that flashing lights operate properly.)

On page 2, after line 16, insert:

“(C) IF A CITATION IS ISSUED ON THE BASIS OF SPEED INDICATED BY A FLASHING LIGHT, THE SPEED SYSTEM OPERATOR MUST VERIFY THAT THE FLASHING LIGHTS ARE OPERATING PROPERLY.”

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 8 was: Yea: Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 8 to Council Bill No. 13–2011 passed.

The Chairperson moved to approve Amendment No. 9 as follows:

(This amendment requires that certain information be included with a citation.)

On page 2, after line 16, insert:

“(C) ANY CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE:

(1) INFORMATION ABOUT THE RIGHT TO A TRIAL AND TO HAVE THE SPEED MONITORING SYSTEM OPERATOR PRESENT AT THE TRIAL; AND

(2) HOW TO REQUEST THAT THE SPEED MONITORING SYSTEM OPERATOR BE PRESENT AT THE TRIAL.”

The motion was seconded by Ms. Terrasa.

Mr. Fox moved to approve Amendment No. 1 to Amendment No. 9 as follows:
(This amendment requires that a citation be mailed within one week.)

On page 1, in line 6, after “TRIAL.” insert:

“(D) THE DEPARTMENT OF POLICE SHALL MAIL A CITATION ISSUED UNDER THIS SECTION NOT LATER THAN 1 WEEK AFTER THE ALLEGED VIOLATION.”

There was no second.

The roll call vote called by the Chairperson on Amendment No. 9 was: Yea: Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 9 to Council Bill No. 13–2011 passed.

Mr. Fox moved to approve Amendment No. 10 as follows:
(This amendment authorizes only mobile speed monitoring systems.)

On page 2, in line 4, after “USE” insert: “MOBILE”.

The motion was seconded by the Chairperson.

The roll call voted called by the Chairperson on Amendment No. 10 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 10 to Council Bill No. 13-2011 failed.

Mr. Fox moved to approve Amendment No. 11 as follows:

(This amendment limits the number of speed monitoring systems that may be used.)

On page 2, in line 4, after “USE” insert: “NOT MORE THAN TWO”.

The motion was seconded by the Chairperson.

The roll call voted called by the Chairperson on Amendment No. 11 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 11 to Council Bill No. 13-2011 failed.

Mr. Fox moved to approve Amendment No. 12 as follows:

(This amendment requires that school zones be posted in accordance with the MUTCD.)

On page 2, after line 5, after “ZONE” insert “POSTED IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION”

The motion was seconded by the Chairperson.

The roll call vote called by the Chairperson on Amendment No. 12 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 12 to Council Bill No. 13-2011 failed.

Mr. Fox moved to approve Amendment No. 14 as follows:

(This amendment prohibits paying contractors based on the number of citations.)

On page 2, after line 16, insert:

“(C) A CONTRACTOR WHO SELLS, LEASES, OR OTHERWISE PROVIDES EQUIPMENT OR SERVICES UNDER THIS SECTION MAY NOT BE PAID BASED ON THE NUMBER OF CITATIONS ISSUED.”

The motion was seconded by the Chairperson.

The roll call vote called by the Chairperson on Amendment No. 14 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 14 to Council Bill No. 13-2011 failed.

Mr. Fox moved to approve Amendment No. 16 as follows:

(This amendment set standards for devices on roads where speed monitoring systems may be used.)

On page 2, after line 16, insert:

“(C) A SPEED MONITORING SYSTEM MAY NOT BE USED ON A SECTION OF ROAD UNLESS THE SECTION HAS:

- (1) A DEVICE THAT DISPLAYS THE VEHICLE’S SPEED THAT IS VISIBLE TO THE DRIVER;
- (2) LIGHTS THAT FLASH DURING TIMES OF REDUCED SPEED LIMITS; AND
- (3) ROADWAY MARKINGS CONSISTENT WITH COUNTY ROAD SAFETY POLICY.”

The motion was seconded by the Chairperson.

The roll call vote called by the Chairperson on Amendment No. 16 was: Yea: Fox; Nay:

Ball, Sigaty, Terrasa, and Watson.

Amendment No. 16 to Council Bill No. 13-2011 failed.

Mr. Fox moved to approve Amendment No. 17 as follows:

(This amendment requires that a citation be mailed within one week.)

On page 2, after line 16, insert:

“(C) THE DEPARTMENT OF POLICE SHALL MAIL A CITATION ISSUED UNDER THIS SECTION NOT LATER THAN 1 WEEK AFTER THE ALLEGED VIOLATION.”

The motion was seconded by the Chairperson.

The roll call vote called by the Chairperson on Amendment No. 17 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 17 to Council Bill No. 13-2011 failed.

Mr. Fox moved to approve Amendment No. 18 as follows:

(This amendment allows speed monitoring systems only in places where speed limit studies have been done.)

On page 2, after line 16, insert:

“(C) A SPEED MONITORING SYSTEM MAY BE USED AT A PLACE ONLY IF A SPEED LIMIT STUDY FOR THAT PLACE HAS BEEN PERFORMED:

(1) IN ACCORDANCE WITH THE STANDARDS APPLICABLE TO SPEED LIMIT STUDIES CONDUCTED BY THE DEPARTMENT OF PUBLIC WORKS; AND

(2) WITHIN THE PREVIOUS FIVE YEARS.”

The motion was seconded by the Chairperson.

The roll call vote called by the Chairperson on Amendment No. 18 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 18 to Council Bill No. 13-2011 failed.

Mr. Fox moved to approve Amendment No. 19 as follows:

(This amendment provides that money collected from violations may not replace other money allocated for public safety purposes.)

On page 2:

In line 8, after “(B)” insert “(1)”

In line 11, strike “(1)” and substitute “(I)”

In line 12, delete “AND”

In line 13, strike “(2)” and substitute “(II)”

In line 16, strike the period and substitute “; AND”.

After line 16, insert:

“(2) THE MONEY COLLECTED UNDER THIS SECTION MAY NOT SUPPLANT, BUT SHALL BE IN ADDITION TO, ANY OTHER MONEY ALLOCATED FOR PUBLIC SAFETY PURPOSES.”

The motion was seconded by the Chairperson.

Mr. Fox moved to approve Amendment No. 1 to Amendment No. 19 as follows:

(This amendment requires that the budget show certain information.)

On page 1, in line 9, after “PURPOSES.” insert “THE ANNUAL BUDGET SHALL INDICATE COMPLIANCE WITH THIS PROVISION.”

The motion was seconded by the Chairperson.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 19 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 1 to Amendment No. 19 to Council Bill No. 13-2011 failed.

The roll call vote called by the Chairperson on Amendment No. 19 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 19 to Council Bill No. 13-2011 failed

Mr. Fox moved to approve Amendment No. 20 as follows:

(This amendment provides a sunset.)

On page 2, in line 25, after “enactment.” insert: “It shall remain effective for a period of 30 months and, at the end of that period, with no further action required by the County Council, this Act shall be abrogated and of no further force and effect.”.

The motion was seconded by the Chairperson.

Mr. Fox moved to approve Amendment No. 1 to Amendment No. 20 as follows:

On page 1, in line 2, strike “30” and substitute “48”.

The motion was seconded by the Chairperson.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 20 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 1 to Amendment No. 20 to Council Bill No. 13-2011 failed.

The roll call vote called by the Chairperson on Amendment No. 20 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 20 to Council Bill No. 13-2011 failed.

Mr. Fox moved to approve Amendment No. 22 as follows:

(This amendment asks the District Court to set the fine at a level designed to cover costs only.)

On page 2, after line 25, insert:

“Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that, each year, the Department of Police shall report the costs of operating speed monitoring systems to the District Court and the District Court is requested to set the amount of the fine for a violation enforced by speed monitoring system to an amount calculated to offset those costs.”

The motion was seconded by the Chairperson.

Mr. Fox moved to approve Amendment No. 1 to Amendment No. 22 as follows:

(This amendment requires that the report to the District Court contain information about the number of citations and asks the District Court to abide by the cap set by law.)

On page 1:

in line 4, after “systems.” insert “and information about the number of citations issued and expected to be issued”;

in line 5, strike “system” and substitute “systems”; and

in line 6 after “costs” insert “and that does not exceed the maximum amount allowed by State or County law”.

The motion was seconded by the Chairperson.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 22 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 1 to Amendment No. 22 to Council Bill No. 13-2011 failed

The roll call vote called by the Chairperson on Amendment No. 22 was: Yea: Fox; Nay: Ball, Sigaty, Terrasa, and Watson.

Amendment No. 22 to Council Bill No. 13-2011 failed

Mr. Fox moved to approve Amendment No. 6 as follows:

(This amendment requires competitive bidding.)

On page 2, after line 16, insert:

“(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE TO THE CONTRARY, A CONTRACT FOR SERVICES RELATED TO SPEED MONITORING AUTHORIZED BY THIS SECTION SHALL BE OBTAINED THROUGH THE COMPETITIVE BIDDING PROCESS.”

There was no second.

The roll call vote called by the Chairperson on Council Bill No. 13-2011 as amended was:
Yea: Ball, Sigaty, Terrasa, and Watson; Nay: Fox

Council Bill No. 13-2011 as amended passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 9:24 p.m.

TABLED LEGISLATION

Council Resolution No. 22-2011 - Approving a public interest use for a monopole cell tower and accessory ground equipment on land owned by Trent Kittleman; finding that the proposed use is in the public interest; approving an amendment to certain deeds of easement to release the land used for the monopole cell tower and accessory ground equipment for a public purpose; and providing that the release is contingent on a certain payment to the County.
(Tabled 04/04/11)

Council Resolution No. 33-2011 – Confirming the appointment of Timothy G. Wolf to the Adult Public Guardianship Review Board.
(Tabled 05/02/11)

Council Resolution No. 38-2011 - Confirming the reappointment of Swathi Narayan to the Human Rights Commission.
(Tabled 05/02/11)